

6 FAM 760 MAINTENANCE AND IMPROVEMENT OF U.S. GOVERNMENT REAL PROPERTY ABROAD

(TL:GS-59; 10-01-1999)

6 FAM 761 AUTHORITY, SCOPE, AND POLICY

6 FAM 761.1 Authority

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

The Foreign Service Buildings Act (22 U.S.C. 291-302, in particular Section 296A), as amended.

6 FAM 761.2 Scope

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

This policy covers the maintenance, repair, alteration, and improvement of U.S. Government-owned or long-term leased (GO/LTL) and short-term leased (STL) properties acquired under the authority of the Foreign Service Buildings Act of 1926, as amended. Exceptions for USAID-owned buildings are noted. Building projects funded by USAID are also covered in 6 FAM 790. Procedures and guidelines to implement these regulations are found in 6 FAM 764—6 FAM 766 and in the *Facility Maintenance Handbook* (6 FAH-4), which contains instructions and forms to establish and implement comprehensive maintenance programs and annual inspections as required by 22 U.S.C. 296A and this *chapter*. Direct questions or comments to A/FBP/OPS/AM or A/FBO/OPS/FAC.

6 FAM 761.3 Policy

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

- a. All posts shall adequately and properly maintain all facilities *abroad*.
- b. Each mission shall establish and implement a comprehensive preventive, routine, and special maintenance program covering all facilities and major support systems using the A/FBO Facility Maintenance Handbook (6 FAH-4). It provides standard procedures that must be followed for establishing maintenance programs and for the continuous evaluation of post main-

tenance needs. Deviations must receive prior approval from A/FBO. This policy is not applicable to USAID.

c. Posts must survey and inspect each building and its support systems annually and must document and maintain the findings on file for review by A/FBO or OIG officers. Each post must prepare an Annual Inspection Summary Report (AIS) following the procedures in the Facility Maintenance Handbook and must use it to substantiate budget requests for routine and special maintenance funding. This policy is not applicable to USAID.

6 FAM 762 MAINTENANCE, REPAIR, AND CUSTODIAL RESPONSIBILITIES

6 FAM 762.1 General

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

The COM, or the SRPM as the COM's designee, is responsible for ensuring that the preventive, routine, and special programs are implemented. For USAID-owned property, the USAID executive officer is responsible for establishing and implementing preventive, routine, and special maintenance programs.

6 FAM 762.2 Responsibilities of U.S. Government and Occupant

6 FAM 762.2-1 U.S. Government Responsibilities

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. **GO/LTL office or functional and residential properties:** The United States Government has primary responsibility for maintenance and repair of GO/LTL real property. However, in the case of LTL properties, it is the Department's policy to include major maintenance requirements as the lessor's responsibility when negotiating leases. Funding responsibilities for the following are addressed in 6 FAM 762.3, 6 FAM 763 through 6 FAM 765 (Maintenance And Repair), 6 FAM 718 (Building Operating Expenses), and 6 FAM 717 Exhibit 717 (Checklist of Costs and Funding Sources):

(1) Clean, service, repair, and restore plumbing systems, swimming pools, electrical and mechanical systems, heating and air-conditioning systems, and major building systems such as elevators;

(2) Maintain interiors and exteriors of buildings and structures, including painting, patching, replacing windows, caulking, etc.;

- (3) Perform repairs required due to reasonable wear and tear;
- (4) Perform repairs of damage to residential property except for occupant responsibilities (see 6 FAM 762.2-2, *paragraph b*); and
- (5) Clean and air vacant residential units and keep their exterior grounds in readiness for future occupancy.

b. **STL office or functional and residential properties:** The SRPM is responsible for ensuring the lessor's and U.S. Government's compliance with custodial, maintenance, and repair provisions of lease terms (not including private leases under LQA/OHA). The USAID executive officer is the responsible officer for all USAID-owned or leased property.

6 FAM 762.2-2 Occupant Responsibilities

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. **GO/LTL or STL office/functional properties:** Agencies occupying U.S. Government-held office space are responsible for following good housekeeping practices and for notifying the SRPM of needed repairs, maintenance, and service. For leased properties, the designated post contracting officer is responsible for coordination with the landlord.

b. **GO/LTL or STL Residences:**

(1) Occupants of U.S. Government-held residences are responsible for maintaining them in presentable condition and returning them to the U.S. Government in clean and habitable condition. Posts will issue, as part of the Post Housing Handbook, uniform rules detailing these responsibilities that conform to what is normally expected of an occupant who leases residential quarters in the United States. Posts should prepare a written statement of employee responsibilities to be signed upon occupancy (see also 6 FAM 725.8);

(2) Occupants are responsible for activities such as light bulb replacement, routine daily user care of swimming pools (chemicals, water PH, cleaning, filling, etc.), seasonal care of walks and driveways (snow removal), and periodic cleaning of window air-conditioning filters, appliances (e.g., refrigerators, freezers, ranges). Occupants are responsible for repairs necessitated by deliberate acts or by the negligence of the occupant, family, servants, guests, employees, or other members of the employee's household (see 6 FAM 725).

6 FAM 762.2-3 Grounds Maintenance Responsibilities and Funding

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. U.S. Government Responsibilities:

(1) Periodic and seasonal care of lawns, swimming pools, gardens, walks, driveways, and grounds for office buildings and common-use areas of residential apartment buildings, whether GO/LTL or STL. This service is funded by post-held DCP appropriations, allotted by regional bureaus and IO, for all GO/LTL property regardless of the agency of the occupant. Similar costs for STL property are funded by the agency of the occupant. USAID funds costs related to USAID-owned or -leased properties. Guidance regarding swimming pools should be sought from USAID/W (M/AS/OMS);

(2) Full grounds care for the GO/LTL residences occupied by the COM, PO of constituent posts, U.S. *representative* to a UN Agency abroad (when PO), DCM, *country* PAO, the Defense *attaché*, Agricultural *attaché*, *senior foreign commercial officer*, and Marine *security guards*, funded by post-held DCP appropriations;

(3) Full grounds care for the STL residences occupied by the COM, PO of constituent posts, U.S. *representative* to a UN Agency abroad (when PO), DCM, and Marine *security guards*. Grounds care may be provided for the Country PAO, the Defense *attaché*, Agricultural *attaché*, and *senior foreign commercial officer* if specifically approved and funded by the parent agency.

b. **Occupant responsibilities:** The occupant is responsible for periodic and seasonal care of lawns, gardens, and open space up to 720 square meters (8,000 square feet) for single family dwellings and 1,440 square meters (16,000 square feet) for duplexes (exclusive of walks, driveways, and areas covered by buildings or structures). The SRPM may approve payment for the periodic and seasonal care of grounds of U.S. Government-held single family or duplex residential property in excess of 720 or 1,440 square meters, exclusive of walks, driveways, and areas covered by buildings or structures. If so approved, the cost of this service for areas in excess of the occupant's responsibility is funded by post-held DCP funds for GO/LTL residential properties, regardless of the agency of the occupant. For STL properties, the agency of the occupant funds the cost.

6 FAM 762.2-4 Maintenance Responsibility for MSG Quarters

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. The Marine *security guard* (MSG) *detachment* is a unique component of a post, with equally unique housing requirements. In recognition of the important role of the MSG *detachment* and the irregular hours of detachment members, the Department assumes responsibility for most custodial and maintenance and repair activities for MSG residential quarters that are not otherwise covered in lease agreements, including:

- (1) Cleaning and servicing heating and air-conditioning systems;
- (2) Performing repairs due to fair wear and tear;
- (3) Performing repairs of damage not attributed to the negligence or deliberate acts of the occupants;
- (4) Performing other maintenance and repair services as customary at post for GO/LTL property, as applicable;
- (5) Performing yard work and seasonal care of walks and driveways, and swimming pools.

b. The Marine *security guard detachment* is responsible for daily housekeeping and maintenance of the quarters. Occupants may, at their expense, repaint and otherwise decorate individual bedrooms with the concurrence of the SRPM and the *detachment commander*. The occupant must restore his or her quarters to original condition upon vacancy.

6 FAM 762.3 Funding Responsibilities

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Unless there are specific interagency agreements to the contrary, A/FBO funds routine and special M&R, and minor improvements for GO/LTL property regardless of the occupying agency, except for certain USAID-held properties. Although A/FBO funds may be used for the maintenance and repair of long-term leased buildings, it is the Department's policy to include major maintenance requirements as the lessor's responsibility when negotiating lease agreements. Alteration projects required to meet the specific program needs of the occupying agency are funded by that agency (see also 6 FAM 763.3). (Detailed funding guidelines are in 6 FAM 765.)

b. Funds allotted for routine M&R may not be obligated to fund M&R for STL properties, special M&R, minor improvements (except as provided in 6 FAM 765.1), or items that are chargeable to the DCP allotment. DCP funds may not be used to augment the A/FBO allotment.

c. Posts are not authorized to utilize official funds when the benefit does not accrue to the United States Government. Therefore, alterations and maintenance for STL property are generally the lessor's responsibility. Maintenance and repairs for STLs that are not the responsibility of the occupant or the lessor under the terms of the lease or local law are funded by the occupying agency, preferably by direct charge.

d. Physical security upgrades for GO/LTL and State-occupied STL non-residential properties are funded and directed by A/FBO. USAID office building upgrades are directed by IG/SEC. Residential security upgrades are funded and directed by the Bureau of Diplomatic Security. Physical security upgrades are not considered minor improvements or maintenance and repair.

6 FAM 762.4 Elevator Safety Inspection and Test Requirements

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Posts are responsible for elevator safety inspections, following the procedures in 6 FAM 766.

6 FAM 763 APPROVALS REQUIRED FOR REPAIRS AND IMPROVEMENTS

6 FAM 763.1 Post Actions Requiring Prior Approval

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Posts must obtain prior approval of A/FBO or USAID/W (M/AS/OMS) for the following types of post actions involving GO/LTL real property, regardless of cost or funding source. The list is not all-inclusive. For clarification, contact A/FBO or USAID/W (M/AS/OMS). (See also 6 FAM 763.3 for alterations in State-held buildings by or for tenant agencies.)

- (1) Demolition of structures or other facilities;
- (2) Interior alterations affecting public spaces;
- (3) Interior alterations materially affecting space functions or design;

(4) New, relocated or substantially altered driveways, walls, parking areas, landscaping or other exterior works;

(5) Replacement of, or alterations to roof structure including placement or erection of any structures, equipment, or devices on the roof;

(6) Construction of any facility or placement of any heavy equipment on roofs or on balconies;

(7) Removal, replacement, or alteration of structural support members, such as beams, trusses, columns, and load-bearing walls, including cutting of new openings in load-bearing walls;

(8) Excavation below, or adjacent to, existing building and wall foundations; and

(9) Repairs due to structural failures, except temporary emergency repairs.

b. Posts may not incur financial obligations or make commitments, orally or in writing, to architects, engineers, contractors, or other parties in connection with proposals and recommendations without specific prior authorization from appropriate Washington, D.C. offices. See 6 FAM 743.

6 FAM 763.2 Approval Required for Special M&R and Minor Improvements

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. The SRPM must clear all proposed special M&R and minor improvement projects in Department of State-owned or -leased (GO/LTL and STL) property and must obtain approval from A/FBO before work commences. Projects executed in STL properties also require approval and funding by the regional bureau (if State-occupied) and written permission from the landlord of the property.

b. Minor improvement projects require project-specific A/FBO review and approval. For residential properties, posts may not make alterations solely to meet the personal desires of the occupant(s). Proposals for alterations to A/FBO buildings to meet the requirements of another agency must have technical review and approval from A/FBO and must be funded by the occupying agency (see 6 FAM 763.3).

c. Minor improvements and special M&R projects for STL real property managed by USAID must be approved in advance by USAID/W (M/AS/OMS) and funded by USAID.

d. Proposals involving telephone or other communications matters must include the concurrence and recommendation of the *director* of the Regional Information Management Center and, if appropriate, the *area telecommunications officer*, since the equipment is funded by *IRM*. This is not applicable to USAID-managed property.

e. Proposals involving computer-related equipment, space, cables, or electrical connections must include the concurrence of the post *information systems officer* or other officer responsible for word or data processing operations.

f. Any project which involves technical or physical security requires the concurrence of the RSO/PSO and the cognizant security office of the parent agency.

6 FAM 763.3 Tenant Agency Memorandum of Understanding

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Tenant agencies seeking to alter Department of State-owned or -leased (LTL and STL) buildings must follow the procedures delineated in a Memorandum of Understanding (MOU) between the parent agency and the Department of State. Each of the principal agencies present at missions abroad has signed a Tenant Agency MOU (see 6 FAM 763 Exhibit 763.3). The purpose of these MOUs is to ensure that all construction, renovation, or upgrade work planned for or by tenant agencies in State-controlled buildings is made known to the post, approved by A/FBO and, if necessary, certified or confirmed by DS before any work is initiated. The MOU applies to any work or any installation which in any way alters or affects the design, construction, functional use, and/or systems or structural components of a Department of State-managed building.

b. The COM/PO is responsible for ensuring that construction, renovation, or upgrade work covered by an MOU will not be undertaken without Departmental approval.

c. By agreement each principal tenant agency will forward to its senior representative at post a copy of the MOU along with any addenda covering special circumstances. The Department of Justice, as parent agency, has signed the MOU for the FBI, DEA, and INS. Any agency that has not signed its own Tenant Agency MOU with the Department is subject to the terms of the generic MOU at 6 FAM 763 Exhibit 763.3.

d. Questions regarding the MOU should be addressed to A/FBO/OPS/AM, Attention: Interagency Liaison Officer (AM/LIA).

6 FAM 763.4 Security Requirements

6 FAM 763.4-1 Construction Security Plan (CSP)

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. As defined in 12 FAM , special M&R, minor improvement, or minor renovation activity occurring at a facility abroad that is intended for the storage of classified materials or the conduct of classified activities require preparation of a project *construction security plan* (CSP) to ensure the security integrity of the repairs, improvements, or renovations involving a *controlled access area* (CAA) or adjacent areas. Proponents of such projects (the post, Department organization, or tenant agency) must provide project information, as set forth in 12 FAM 360, to A/FBO/PE/CSM for the preparation of the CSP.

b. The CSP will consider the secure or random procurement of necessary materials, secure storage of materials, and the escort and surveillance of uncleared *U.S. citizen* or foreign national workers and will include annotations of the CAA maintenance log. Once approved by the RSO, the CSP will be forwarded to A/FBO/PE/CSM and DS/PSD/CSB or IG/SEC, as appropriate. Any questions regarding building security systems (i.e, structural, electrical, mechanical) should be directed to A/FBO/PE/CSM for coordination within A/FBO and response to post prior to project initiation.

6 FAM 763.4-2 Emergency Repairs in the CAA or to a PAC

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Emergency repairs may be made in a CAA or to a *public access control* (PAC) without prior Department notification in the event of an emergency which threatens national security activities or information, life, or safety, including structural damage to a building. These repairs will be limited to those necessary to remove the immediate danger. Further details and the reporting requirements for such emergency repairs are located in 12 FAM 360.

6 FAM 763.5 A/FBO Assistance

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. **Project design and management.** A/FBO will assist posts with their special M&R and minor improvement projects in ways ranging from standard designs to design assistance to on-the-job project management by an A/FBO project director. Assistance may also include the provision of cleared U.S. citizen employees to oversee and/or perform construction

work. The type of assistance available depends on the scope, complexity, and physical location of the project within the property.

b. **Emergency *project assistance***: Posts should contact A/FBO or USAID/W (M/AS/OMS) regarding immediate assistance in cases of an emergency in which buildings sustain damage from fires, earthquakes, etc.

6 FAM 763.6 Changes to Capital Construction Projects

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

No improvements or alterations may be made to any A/FBO capital construction project, to include the initial FFA&E, for at least two years after completion without prior A/FBO approval. Emergency work requests are excepted.

6 FAM 764 DEFINITIONS

6 FAM 764.1 Routine Maintenance and Repair (M&R)

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Routine M&R provides for the preservation of GO/LTL real property in such condition that it can be effectively used for its intended purposes. This includes:

(1) Services and/or materials used for items of a recurring nature, such as painting, weather stripping, termite repair, etc. (This does not extend to housekeeping chores such as cleaning and changing lightbulbs; cleaning or repairing furniture, drapes, or carpeting; or maintenance contracts for custodial services. These are properly funded by DCP appropriations or by individuals occupying U.S. Government quarters--see 6 FAM 718 and 6 FAM 773.);

(2) Services and/or materials used for items of a minor nature such as repairs of broken water pipes; replacement of broken/inoperable bathroom/kitchen fixtures; repairs to windows, doors, wooden shelving, etc.; repairs to a building system such as heating, central air-conditioning, and mechanical systems; repairs to electrical systems (does not include any repair that would result in a change in the amount of electrical service to a building); repairs to floors (does not include carpeting repair.) Routine Maintenance and Repair funds may not be used to pay for escort or guard services;

(3) Bulk M&R supplies destined for use in GO/LTL properties, such as paint, lumber, nails, plumbing supplies, and electrical wire (does not include the purchase or repair of tools).

6 FAM 764.2 Special Maintenance and Repair (M&R)

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Special M&R projects are designed to restore a building to a fully functioning condition. These projects can include: the repair or replacement of building systems or structures such as roof replacement; electrical rewiring of buildings; replacement of plumbing or sewer systems; replacement of HVAC systems or major components thereof; the modernization of bathrooms and kitchens as part of a general program to upgrade facilities at GO/LTL properties. The following noninclusive list gives examples of special M&R projects:

- (1) Rewiring a building;
- (2) Replacing a roof;
- (3) Repaving a parking area or driveway;
- (4) Replacing (but not upgrading) major parts of a building such as elevators, central heating, or air-conditioning plants;
- (5) Repairing termite damage;
- (6) Replacing deteriorated water or sewage systems; and
- (7) Repairing or replacing (not painting) a building facade.

6 FAM 764.3 Minor Improvements

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Minor improvement projects are designed to enhance the value of a building or change its functional nature. These projects can include improvements to a building, such as installing new building systems (adding HVAC, for example); adding a new kitchen or bathroom; changes to the size, nature, or function of a facility such as enlarging bathrooms or kitchens; putting extensions of any kind on a building; combining two residential units into one or vice versa; and making offices out of residential space or vice versa. The following noninclusive list gives examples of minor improvement projects:

- (1) Changing a property's use, e.g., converting storage space to cafeteria or office space;
- (2) Paving (not repaving) a driveway, parking lot, patio;
- (3) Completely renovating kitchens or bathrooms;

(4) Upgrading electrical power systems (i.e. UPS or power conditioners), elevators, water distribution, central heating or central air-conditioning systems; and

(5) Correcting such building deficiencies as means of egress and/or other required safety modifications.

6 FAM 765 FUNDING GUIDELINES

6 FAM 765.1 Routine M&R for GO/LTL Property

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. A/FBO funds routine M&R for GO/LTL property under function code 7901, except for USAID-held properties (see 6 FAM 790).

b. Within limitations, the post may use routine M&R funds for projects that would otherwise qualify as special M&R or minor improvement. This exception provides post management the latitude to execute small projects as required. To qualify for this treatment, no individual project may exceed \$10,000 in cost. No more than five percent of a post's annual allotment for routine M&R may be used for special projects in a given year. Further, posts must be able to absorb the cost of such projects in their routine M&R budgets without impairing regular routine and preventive maintenance programs. A/FBO will not augment routine M&R allotments when funds are used for such projects.

c. A post may elect to request funds for special M&R or minor improvement projects under \$10,000 from A/FBO, in which case A/FBO will evaluate and prioritize the projects along with all others submitted by posts for special M&R and minor improvement projects.

d. Posts may not use routine M&R funds for any special M&R or minor improvement project, regardless of cost, that alters the structure of a building, increases the net square footage of a building, or requires an increase in the amount of electrical service to a building. To ensure proper technical review, A/FBO must approve designs for these types of projects. Thus, posts should continue to submit them for funding as special M&R and minor improvement projects.

6 FAM 765.2 Special M&R and Minor Improvement Projects for GO/LTL Property

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

A/FBO funds special M&R projects under function code 7902 and minor improvements under function code 7903, except for USAID-held properties (see 6 FAM 794 and 6 FAM 795).

6 FAM 765.3 Chancery Life Extension Program (CLEP)

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

As U.S. Government facilities abroad age and deteriorate, it is not always possible or economically feasible to replace them. CLEP seeks to extend the useful life of the buildings while increasing the efficiency of operations at post by replacing worn out major building systems. A/FBO generally funds rehabilitation projects through the Facilities Rehabilitation and Support Systems Replacement Program, function code 7904.

6 FAM 765.4 Submission of Special M&R and Minor Improvement Projects for GO/LTL Property

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Posts submit funding requests for routine M&R in the Field Budget Plans (FBP).

b. Posts submit proposed special M&R and minor improvement projects at the budget call for these projects.

c. Posts may submit emergency requests for Special M&R projects at any time of the year as situations arise, and A/FBO will do its best to fund them, although this may be at the expense of projects previously slated for execution.

6 FAM 765.5 Procedures To Request Funds for Special M&R and Minor Improvement Projects

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. **Call for projects:** A/FBO issues a call for special M&R and minor improvement projects for the upcoming fiscal year early each summer with a due date for the posts' submissions in mid-August. Once proposals are received, A/FBO evaluates projects and prioritizes them in terms of urgency. Based on a worldwide priority listing of projects, A/FBO informs each post which projects it plans to fund in the new fiscal year. The resulting list of priority projects constitutes A/FBO's program for special M&R and minor improvement projects for the new fiscal year.

b. **Funding requests:** Project requests submitted separately from the FBP should be addressed to A/FBO for the attention of the Area Management Officer, or for USAID-owned or leased properties to USAID/W (M/AS/OMS). Constituent posts should clear requests through their embassy before submittal to A/FBO. Requests should include the following information:

(1) A/FBO Property Identification Number (PropID), and property designation, e.g., OBC, COB, EMR, DCR, etc;

(2) Justification, including reason for improvement or repair, and narrative description of the proposed project; and

(3) Cost estimate showing the price of each separate portion and explanation of basis of estimate, including shipping and transportation costs, as needed. Total cost for a minor improvement project, including A&E and all other related costs, should be less than \$500,000.

c. **Technical Review and Approval:** If A/FBO deems the project feasible and funding is available, A/FBO will ask post to begin the submittal process for complete technical review and approval to assure constructability, compatibility, and cost effectiveness of the project. A/FBO will outline specific requirements in a cable to post, depending on the scope and location of the project.

6 FAM 766 ELEVATOR SAFETY INSPECTION AND TEST REQUIREMENTS

6 FAM 766.1 GO/LTL Properties

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Posts must inspect and test all traction, winding-drum, and hydraulic type elevators located in GO/LTL facilities abroad according to established A/FBO standards and procedures on the following schedule.

(1) Safety inspection every six months;

(2) Noload safety test annually; and

(3) Full load test every five years.

b. The SRPM or post facility manager must send A/FBO, on July 1, an annual statement of compliance with these elevator safety inspection and test requirements. This reporting requirement only is not applicable to USAID. (See also 6 FAH-4, *Facility Maintenance Handbook*.)

6 FAM 766.2 STL Properties

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Posts must ensure that landlords provide certificates of inspection and testing of all traction, winding-drum, and hydraulic type elevators located in STL office properties abroad. Normal inspection and testing procedures require the same schedule as in 6 FAM 766.1.

b. Posts should regularly check certificates of inspection and testing of elevators located in STL residential properties.

6 FAM 766.3 A/FBO Elevator Support to Posts

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Upon request, A/FBO will provide assistance on elevator problems. Additionally, A/FBO will provide standards and procedures for inspection and testing, developed from American Society of Mechanical Engineers (ASME/ANSI).

6 FAM 767 THROUGH 769 UNASSIGNED

6 FAM 763 Exhibit 763.3

MEMORANDUM OF UNDERSTANDING TEXT

(TL:GS-59; 10-01-1999)

between the
UNITED STATES DEPARTMENT OF STATE
and the
[Tenant Agency]

This Memorandum of Understanding (MOU) (insert, if appropriate: including certain clarifications and modifications appended hereto as an addendum,) is made and entered into by and between the United States Department of State and the [Tenant Agency (TA)].

WITNESSETH: The parties hereto agree as follows:

Whereas the Foreign Service Buildings Act of 1926 (the Act) as amended, authorizes the Secretary of State to acquire sites and buildings abroad and, among other things, to maintain, repair, improve and refurbish these properties, the Secretary of State has delegated this authority to the Assistant Secretary for Administration and, through that official, to the Office of Foreign Buildings Operations (A/FBO) which, notwithstanding source of funding, acts as the *single real property manager* for non-military U.S. Government property abroad (with the exception of certain facilities used exclusively by the United States Agency for International Development and which are covered by separate legislative authority, and short-term leased facilities of other agencies). Implementing regulations are contained in *chapter 700, Volume 6, Foreign Affairs Manual*.

This Act renders the Department of State accountable for various property management functions, including new construction, acquisition, maintenance, modification, and disposal. Because even minor improvements and maintenance and repair projects may have a critical impact on the Department of State's responsibility with respect to function use; architectural, structural, and construction issues; building systems (mechanical, electrical, civil, etc.), fire and life safety; security safeguards; Congressional certification, and other concerns extending to the construction, operation and function of the property, the TA agrees it will not undertake any work or any installation which in any way alters or affects a building's design, construction, functional use, systems or structural components in Department of State-managed facilities without prior A/FBO approval. Further, the Department of State and the TA agree that prior planning and written A/FBO authorization will be obtained to ensure that all proposed projects are accomplished in a cost-effective and efficient manner, with minimal disruption

Continuation—6 FAM 763 Exhibit 763.3

to ongoing post activities, and with due regard for normal foreign mission responsibilities and the security of sensitive operations.

Accordingly, and in furtherance of these objectives, A/FBO, on behalf of the Department of State, and the TA agree to designate representatives who will develop and implement appropriate, mutually acceptable procedures for introducing, scheduling, developing, and tracking proposed new and/or rehabilitation projects; determine whether the TA or A/FBO will be responsible for design and/or construction; provide for A/FBO review and approval of proposed projects, plans, inspection of work in progress, and completed projects; resolve funding aspects and initiate certification or confirmation procedures before commencement of work; develop procedures to expedite the issuance of any special access or security clearances which may be required of identified A/FBO personnel and its contractors to carry out their functions; and address other related issues in a timely manner.

Although documentation requesting structural changes to the building ultimately must be approved by A/FBO, in keeping with current procedures, the Department of State's Information Management Facilities Office will remain the designated point of contact for consolidation and coordination of all requirements for building alterations, additions, or new construction related to communications and computer systems of all building tenants.

Subject to clearance criteria, the TA agrees to issue any special security clearance which A/FBO designated representatives may require in order to participate fully in the development, implementation, and performance of those procedures which are the subject of this document, and which will be appended to, incorporated in, and made an integral part of this Memorandum of Understanding.

In particular, the TA shall, when seeking design, construction or physical changes in U.S. Government-owned or long-term leased property.

- a. Provide A/FBO with all of its operational and functional requirements with respect to new construction or any proposed changes before the statement of work is finalized and approved and included in the architect or engineer design or construction contract.
- b. Process all requests for design changes, construction change orders, change in construction materials, minor improvements to existing buildings and special maintenance and repair projects through A/FBO in sufficient time to receive A/FBO's written approval.
- c. Provide A/FBO with valid funding citations at the time that the change is requested. Valid funding citations will be received prior to issuance of written approval of the job by A/FBO.

Continuation—6 FAM 763 Exhibit 763.3

d. If necessary for access, grant any special security clearances for A/FBO designated personnel and its contractors during the construction of a building which contains areas designated for use by the TA so that the on-site A/FBO Project Director and his project staff will have access to those spaces when, where and as appropriate and necessary to carry out technical inspections of completed work or work in progress and to perform fire prevention and safety inspections. For new Embassy buildings, this access will continue until the building is commissioned and officially turned over to the post.

e. To ensure that there will be no unauthorized changes to any previously agreed upon contractual scope of work in which the Department of State is the contracting office for a specific project, the TA agrees that its employees or contractors will not have any contact or discussions of any type with Department of State construction contractors or material vendors except through the Department of State contracting officer or, the contracting officer's representative, or at the construction site, the A/FBO Project Director.

f. If necessary for access to TA spaces, grant special access or security clearances for A/FBO designated personnel and its contractors to expedite their entry into space occupied by TA when, where, and as appropriate and necessary to carry out technical inspections of completed work or work in progress, or to perform routine maintenance, fire prevention and safety inspection functions.

g. Have the right to and should conduct operation checks of systems completed by A/FBO prior to acceptance of such systems.

h. To the extent it is agreed that project authority will be exercised by the TA, introduce, schedule, develop, track and otherwise conduct the project in strict accordance with a project plan, which is to include provisions of all relevant architectural and engineering designs, plans and documents to A/FBO for review and approval prior to implementation. The TA will keep responsible A/FBO offices, post administrative officers and security personnel informed of progress during implementation and shall immediately bring to the attention of responsible A/FBO offices, post administrative officers and security personnel and deviations or changes to the approved project plan that have arisen during implementation.

i. Distribute this MOU to appropriate TA field personnel for their information and compliance.

Continuation—6 FAM 763 Exhibit 763.3

A/FBO as the representative of the Department of State shall:

- a. Determine, in concert with the TA, which agency will be responsible for a project. To the extent that A/FBO is responsible for a project, make every effort to comply with TA requests for minor improvements and special maintenance and repair projects in a timely fashion. It will prepare, or where appropriate, assist in preparing a Project Authorization Memorandum (PAM), using operational and functional requirements received from the TA, to document the scope and planned funding of the project. The PAM will be evaluated by elements of A/FBO and will establish the project's baseline scope, budget and schedule. A/FBO also will assign Project Identification Numbers (PINs) to approved requests in order to prioritize and expedite handling;
- b. Initiate clearances or approvals required by law or regulation;
- c. Identify, by position or individually, those A/FBO personnel or contractors requiring special access clearance and initiate such action as may be necessary to obtain the appropriate level or type of clearance;
- d. Where required by established internal operating procedures of the TA, provide advance notice of pending inspections/inspectors to designated headquarters liaison staff, who will act to facilitate access to TA space;
- e. Encourage TA participation and assistance as required in planning and conducting surveys based upon the PA schedule;
- f. Provide TA proponents with the names of liaison office(r)s in A/FBO, and a reporting program for the project to respond to TA information and scheduling needs;
- g. Be responsible for certifying compatibility with existing building systems of any new equipment or systems, such as chillers, power generators, upgraded power suppliers, RF shielding, etc. from general subcontractors or U.S. Navy Construction Battalion (Seabee) personnel.

Assistant Secretary for Administration
U.S. Department of State

[Tenant Agency]

Date _____